

# **SECTION 5311 FORMAL APPLICATION**



## **FINANCIAL ASSISTANCE FOR AREAS OTHER THAN URBANIZED AREAS**

# **FY 2006**

**MONTANA DEPARTMENT OF TRANSPORTATION  
TRANSIT SECTION  
2550 PROSPECT AVENUE  
PO BOX 201001  
HELENA MONTANA 59620-1001**

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## Application for Section 5311

### Financial Assistance for Areas Other than Urbanized Areas

**I. Legal Name of Applicant Agency:**

\_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** MT **Zip:** \_\_\_\_\_

**County:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Name of Project Director:** \_\_\_\_\_

**II. Assistance Request (FEDERAL DOLLARS ONLY):**

Operating Request                      \$ \_\_\_\_\_

Capital Request                         \$ \_\_\_\_\_

**III. Authorization to Apply:**

I hereby authorize this Applicant to be the single Section 5311 Program recipient in this service area. I assure that this applicant has the fiscal, managerial, and legal capabilities to administer the Section 5311 Program and receive and disburse federal funds. I also assure that some combination of state, local or private funds have or will be committed to provide the required local match.

**Signature:** \_\_\_\_\_

**Title of Authorized Official:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**IV. Transportation Development Plan (TDP)**

Date TDP completed or last major update: \_\_\_\_\_

Date of Annual TDP Plan Review: \_\_\_\_\_

**V. Estimated Operating Budget**

**A. Labor**

Transit Manager \$ \_\_\_\_\_

Drivers \$ \_\_\_\_\_

Dispatchers \$ \_\_\_\_\_

Mechanics \$ \_\_\_\_\_

Other (*Identify*) \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

***Total Personnel*** \$ \_\_\_\_\_

**B. Fringe Benefits** \$ \_\_\_\_\_

**C. Services**

Professional &  
Technical \$ \_\_\_\_\_

Advertising \$ \_\_\_\_\_

Temporary Help \$ \_\_\_\_\_

Contract  
Maintenance \$ \_\_\_\_\_

Custodial \$ \_\_\_\_\_

Other (*Identify*) \$ \_\_\_\_\_

***Total Services*** \$ \_\_\_\_\_

**D. Materials and Supplies**

Fuel and Lubricants \$\_\_\_\_\_

Tires and Tubes \$\_\_\_\_\_

Office Supplies \$\_\_\_\_\_

Other Materials &  
Supplies \$\_\_\_\_\_

***Total Materials & Supplies*** \$\_\_\_\_\_

**E. Utilities**

Phone \$\_\_\_\_\_

Postage \$\_\_\_\_\_

Utilities \$\_\_\_\_\_

***Total Utilities*** \$\_\_\_\_\_

**F. Casualty and Liability Costs**

Insurance \$\_\_\_\_\_

Other Casualty &  
Liability \$\_\_\_\_\_

***Total Casualty and Liability*** \$\_\_\_\_\_

**G. Taxes**

Property Taxes \$\_\_\_\_\_

Vehicle Licensing &  
Registration Fees \$\_\_\_\_\_

Other Taxes \$\_\_\_\_\_

***Total Taxes*** \$\_\_\_\_\_

**H. Purchased Transportation Service**

Purchased Services \$ \_\_\_\_\_  
(Identify)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Total Purchased Transportation Service** \$ \_\_\_\_\_

**I. Miscellaneous Expense**

Dues &  
Subscriptions \$ \_\_\_\_\_

Travel & Meetings \$ \_\_\_\_\_

Other Miscellaneous  
Expenses \$ \_\_\_\_\_

**Total Miscellaneous Expenses** \$ \_\_\_\_\_

**J. Leases and Rentals** \$ \_\_\_\_\_

**K. Other (Specify)**

\_\_\_\_\_ \$ \_\_\_\_\_

**L. Total Estimated Operating Expenses** \$ \_\_\_\_\_

**M. Fares** \$ \_\_\_\_\_

**N. Net Operating Deficit** \$ \_\_\_\_\_  
(Line L minus Line M)

**O. Eligible Section 5311 Operating  
Assistance Request Level** \$ \_\_\_\_\_  
(Shall not exceed 50% of Line N)

**Note:** A final locally approved budget  
will need to be submitted to the Transit  
Section before grant payments will be  
authorized.

**P. Disadvantaged Business Enterprise (DBE)** \$ \_\_\_\_\_  
(see page 7)

**Q. Local Match**

Source and amount *must* be specified below:

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

***Total Local Match*** \$ \_\_\_\_\_

**R. Unrestricted Federal Funds Match**

Source	Amount
--------	--------

_____	\$ _____
-------	----------

_____	\$ _____
-------	----------

_____	\$ _____
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***Total Unrestricted Federal Funds Match*** \$ \_\_\_\_\_

**VI. Determining Your Disadvantaged Business Enterprise (DBE) Goal**

**1.** Determine the percent of FTA Section 5311 funding of your Total Operating Expenses.

- A.** Total Operating Expenses \$ \_\_\_\_\_  
(Line **L** of Operating Budget)
- B.** Section 5311 Funds \$ \_\_\_\_\_  
(Line **O** of Operating Budget)
- C.** Section 5311 Funds \_\_\_\_\_ %  
(B is divided by A)

**2.** Determine your Total Contracting Opportunities.

- A.** Total Operating Expenses \$ \_\_\_\_\_
- Minus Labor \$ \_\_\_\_\_
- Minus Fringe Benefits \$ \_\_\_\_\_
- Minus Utilities \$ \_\_\_\_\_
- B.** Equals Total Contracting Opportunities \$ \_\_\_\_\_

**3.** Determine the amount of Contracting Opportunities subject to DBE

- A.** Total Contracting Opportunities \$ \_\_\_\_\_  
(Line **2B** above)
- B.** Multiplied by percent established in Line **1C** above equals amount of Contracting Opportunities subject to DBE \$ \_\_\_\_\_
- C.** Line **3B** X 10% = **DBE Goal** \$ \_\_\_\_\_

## **VII. Funding Request**

If you are a current Section 5311 Grantee and are applying for an increase in operating funding this year over last year's grant amount, please detail why and your justification for the increase.



### **VIII. Unexpended Monies**

If there were any unexpended FY 2004 operating grant monies; please document the circumstances why they were not used.

**IX. Transportation Development Plan (TDP)**

Provide a narrative of your annual TDP plan review. Describe your transit system including service changes with respect to routes, ridership, dispatching, coordination, service expansions and/or reductions, and other related transportation elements. Use additional space if required.

OR

If you completed a new TDP or a major update of an existing TDP this year, include a copy with this application.

**X. Coordination**

a) To the maximum extent feasible, Section 5311 recipients are required to coordinate with other local entities—public, private, and non-profit—in the provision of coordinated transportation services. Explain **in detail** how your system coordinates with other transportation providers in the area including public, private for profit, and social services agencies.

b) Describe your Transportation Advisory Committee (TAC):  
*(Refer to Section XXIII for more information)*

## **XI. Pending Applications**

List all pending applications for financial assistance and all financial assistance currently provided by other federal agencies. (For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.)

## **XII. Private Sector Participation**

Each applicant must provide information about their local process for private sector participation. Please address the following areas, as applicable:

- 1) What role do private providers play in your transportation program?
  
  
  
  
  
  
  
  
  
  
- 2) Explain your process for providing notice to private providers of proposed services.
  
  
  
  
  
  
  
  
  
  
- 3) List all meetings, hearings or other opportunities given for involving the private sector early in the service development process.
  
  
  
  
  
  
  
  
  
  
- 4) What is your process for reviewing private sector proposals offered for consideration and the rationale for inclusion or exclusion?

- 5) Describe the criteria for making public/private service decisions including the methodology for making cost comparisons when there are two or more operators interested in providing service.
- 6) Describe the methods for periodically reviewing services to determine whether they can be provided more efficiently by the private sector.
- 7) If applicable, provide a description and status report on any unresolved complaints received from private operators.
- 8) Attach a copy of your local program complaint procedures.

### **XIII. Existing Transit Program Description**

- A. \_\_\_\_\_ Number of Vehicles  
B. \_\_\_\_\_ Hours Per Week Transportation Service is Available  
C. \_\_\_\_\_ Number of Days Service Available Quarterly

#### **Program Ridership FY 2004 (Annual)**

- |    | Contracted  | Non-Contracted                  |                            |
|----|---|---------------------------------|----------------------------|
| D. | _____   | _____                           | Persons over 60 years old  |
| E. | _____   | _____                           | Persons under 60 years old |
| F. | _____   | _____                           | Persons with disabilities  |
| G. | Type of Service:  |                                 |                            |
|    | _____   | Fixed Route                     |                            |
|    | _____   | Demand Response                 |                            |
| H. | _____   | Current Service Area Population |                            |
| I. | Please provide an explanation if ridership statistics have declined in the past year. |                                 |                            |

### **XIV. Computer Technology Requirements**

Do you have the following minimum computer capabilities?

- | Hardware/Software Requirements:   | Y     | or | N     |
|---|-------|----|-------|
| • Windows Operating System with Microsoft Word<br>( <i>Microsoft Office Suite recommended</i> ) | _____ |    | _____ |
| • Pentium Processor or better   | _____ |    | _____ |
| • 16 MB of RAM ( <i>32 MB or more recommended</i> )   | _____ |    | _____ |
| • Internet Explorer or equivalent Web Browser   | _____ |    | _____ |
| • E-mail Provider   | _____ |    | _____ |

**XV. Preventive Maintenance**

Describe your preventive maintenance schedule for all vehicles, including preventive maintenance for lifts and other ADA equipment in your program. Include the name of the agency person responsible for vehicle maintenance as well as those providing additional maintenance service. Are separate files kept on individual vehicles?

Please include a copy of your written maintenance plan with this application. Please refer to attached material for more information on how to develop a preventive maintenance plan.



# CAPITAL ASSISTANCE

## XVI. Capital Assistance Request

Check Requested Vehicle/Equipment Needs and Extend

A. Vehicles	Quantity	Unit Cost	Total
1. ____ 7 Passenger Mini Van*	_____	\$26,000	\$_____
2. ____ Mini Van Conversion** (Ramp)	_____	\$39,000	\$_____
3. ____ 10 Passenger Small Bus** (1 Wheelchair Station)	_____	\$41,000	\$_____
4. ____ 12 Passenger Small Bus** (2 Wheelchair Stations)	_____	\$48,500	\$_____
5. ____ 16 Passenger Small Bus** (2 Wheelchair Stations)	_____	\$52,000	\$_____
6. ____ 21 Passenger Small Bus** (2 Wheelchair Stations)	_____	\$54,000	\$_____
7. ____ 25 Passenger Small Bus** (2 Wheelchair Stations)	_____	\$56,000	\$_____
8. ____ 25 Passenger Body on Chassis Bus**	_____	\$77,000	\$_____

**\*Note:** *If you do not have a wheelchair lift-equipped vehicle in your fleet that meets ADA standards, you cannot apply for a non-accessible van.*

**\*\*Note:** *Diesel engines are an additional \$4,000 - \$5,000.*

### B. Equipment

9. ____ Base Station	_____	\$3,000	\$_____
10. ____ Mobile 2-way Radio	_____	\$2,000	\$_____
11. ____ Computer	_____	\$2,000	\$_____
12. ____ Other Equipment (Specify)	_____	\$_____	\$_____
_____	_____	\$_____	\$_____

**C. Total Estimated Capital Costs (100%)** \$\_\_\_\_\_

**D. Section 5311 Capital Assistance Request** \$  
(80% of Line C)

**E. Local Match for Capital Assistance Request** \$\_\_\_\_\_  
(20% of Line C)

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\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

## XVII. Capital Replacement Plan

Estimate your capital needs for the next five years:

[illegible]

### **XVIII. Agency Vehicles**

List all passenger-carrying vehicles operated by your organization. This includes FTA and non-FTA sponsored vehicles.

Vehicle Type	Model Year	Special Equipment*	Mileage	Condition	Number of Seats		Anticipated Retirement Date	Source Funded By
					Amb.	Non-Amb.		
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								

\* Lifts, Ramps, etc.

**XVIII. Agency Vehicles** (Continued)

List all passenger-carrying vehicles operated by your organization. This includes FTA and non-FTA sponsored vehicles.

Vehicle Type	Model Year	Special Equipment*	Mileage	Condition	Number of Seats		Anticipated Retirement Date	Source Funded By
					Amb.	Non-Amb.		
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
32								
33								
34								
35								
36								

\* Lifts, Ramps, etc.

**XVIII. Agency Vehicles** (Continued)

List all passenger-carrying vehicles operated by your organization. This includes FTA and non-FTA sponsored vehicles.

Vehicle Type	Model Year	Special Equipment*	Mileage	Condition	Number of Seats		Anticipated Retirement Date	Source Funded By
					Amb.	Non-Amb.		
37								
38								
39								
40								
41								
42								
43								
44								
45								
46								
47								
48								
49								
50								
51								
52								
53								
54								

\* Lifts, Ramps, etc.

**XIX. Vehicle Need and Use**

Describe the need and use of the vehicle(s) being applied for. Discuss if this vehicle will be an expansion of the current fleet, and why, or a replacement of an existing vehicle. If other capital equipment is being requested, also provide information regarding its need and use.

ASSURANCES,  
CERTIFICATIONS  
AND  
PUBLIC NOTICE



## **XX. Applicant Organization Assurances**

The following assurances are hereby made by the Applicant organization to the Montana Department of Transportation and the Federal Transit Administration:

1. The Applicant organization meets the required Section 5311 minimum program requirements as specified in the Application Guide.
2. The Applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by a FTA grant or cooperative agreement. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant or cooperative agreement issued for its project with FTA. The Applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the project. The Applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.
3. The Applicant organization assures, as a minimum, that insurance coverage will be provided on all vehicles and/or equipment purchased under this program grant sufficient to protect the Federal Government's matching share for the lifetime of the project.
4. The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
5. The Applicant agrees to complete the project within the applicable project time periods following receipt of MDT approval.
6. The Applicant will have performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq. and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations.
7. The Applicant will comply, as applicable, with provisions of the Hatch Act, 5 U.S.C. 1501 through 1508, and 7324 through 7326, which limit the political activities of state and local agencies and their officers and employees whose principal employment activities are financed in whole or part with Federal funds including a Federal loan, grant, or cooperative agreement, but does not apply to a nonsupervisory employee of a transit system (or of any other agency or entity performing related functions) receiving FTA assistance to whom the Hatch Act does not otherwise apply.
8. The Applicant will, to the extent applicable, comply with the Davis-Bacon Act, as amended, 40 U.S.C. 276a through 276a(7), the Copeland Act, as amended, 18 U.S.C. 874 and 40 U.S.C. 276c, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 327 through 333, regarding labor standards for federally-assisted subagreements.

9. As required by 49 U.S.C. 5323(b), the Applicant certifies that it has, or before submitting its application, will have: a) Provided an adequate opportunity for a public hearing with adequate prior notice of the proposed project published in a newspaper of general circulation in the geographic area to be served; b) Held that hearing and provided MDT a transcript or detailed report summarizing the issues and responses, unless no one with a significant economic, social, or environmental interest requests a hearing; c) Considered the economic, social, and environmental effects of the project; and d) Determined that the project is consistent with official plans for developing the urban area.

10. The Applicant will comply with the Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 et seq. (Required for Missoula Applicants only.)

11. The Applicant agrees to maintain or acquire sufficient legal, financial, technical, and managerial capacity to plan, manage, and complete the project, and provide for the use of project facilities and equipment. The applicant agrees to comply with all applicable Federal laws, executive orders, regulations, directives, and published policies governing this project.

12. The Applicant assures that sufficient non-Federal funds have been or will be committed to provide the required local share.

13. The Applicant has, or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with Federal assistance awarded for this project.

14. The Applicant has, to the maximum extent feasible, coordinated with other transportation providers and users, including social service agencies authorized to purchase transit service.

15. The Applicant will comply with all applicable civil rights requirements, and has signed the Nondiscrimination Assurance.

16. The Applicant will comply with applicable requirements of U.S. DOT regulations on participation of disadvantaged business enterprises in U.S. DOT programs.

17. The Applicant will comply with Federal requirements regarding transportation of elderly persons and persons with disabilities.

18. The Applicant will comply with the transit employee protective provisions of 49 U.S.C. 5333(b) and has signed the "Labor Warranty Section 13(c)" certification.

19. As required by 49 U.S.C. 5323(d) and FTA regulations, "Charter Service," at 49 CFR 604.7, the Applicant agrees that it will: (1) provide charter service that uses equipment or facilities acquired with Federal assistance authorized for 49 U.S.C. 5307,

5309, or 5311 or Title 23 U.S.C., only to the extent that there are no private charter service operators willing and able to provide the charter service that it or its recipients desire to provide, unless one or more of the exceptions in 49 CFR 604.9 applies, and (2) comply with the provisions of 49 CFR part 604 before they provide any charter service using equipment or facilities acquired with Federal assistance authorized for the above statutes.

The Applicant understands that the requirements of 49 CFR part 604 will apply to any charter service provided, the definitions in 49 CFR part 604 apply to this agreement, and violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

20. The Applicant agrees that it and all its recipients will: (1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 5323(f), and implementing regulations, and (2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance awarded by FTA and authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. for transportation projects.

The Applicant understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, the definitions of 49 CFR part 605 apply to this school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

21. As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," at 49 CFR 37.77, the Applicant certifies that its demand responsive service offered to persons with disabilities, including persons who use wheelchairs, is equivalent to the level and quality of service offered to persons without disabilities. When viewed in its entirety, the Applicant's service for persons with disabilities is provided in the most integrated setting feasible and is equivalent with respect to: (1) response time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on trip purpose, (6) availability of information and reservation capability, and (7) constraints on capacity or service availability.

22. The Applicant certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1D, "Third Party Contracting Requirements," and other implementing requirements FTA may issue. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each subrecipient and each contractor will also include in its subagreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

23. The Applicant agency has offered private transit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation service.
24. The Applicant has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project.
25. As required by FTA regulations, “Bus Testing,” at 49CFR 665.7, the Applicant certifies that before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665), the bus model: a) will have been tested at a bus testing facility approved by FTA; and b) will have received a copy of the test report prepared on the bus model.
26. In compliance with Section VII of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” at 66 Fed. Reg. 1459, January 8, 2001, in the course of implementing an ITS project, the Applicant assures that it will comply, and require its third party contractors and subrecipients to comply, with all applicable requirements imposed by Section V (Regional ITS Architecture) and Section VI (Project Implementation) of that Notice.
27. As required by U.S. DOT regulations, “New Restrictions on Lobbying,” at 49 CFR 20.110, the Applicant certifies to the best of his or her knowledge and belief that for each application for a Federal assistance exceeding \$100,000: (1) No Federal appropriated funds have been or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress pertaining to the award of any Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and if any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application to FTA for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” including the information required by the form's instructions, which may be amended to omit such information as permitted by 31 U.S.C. 1352.
28. As required by U.S. DOT regulations on Government-wide Debarment and Suspension (Nonprocurement) at 49 CFR 29.510: (1) The Applicant certifies, to the best of its knowledge and belief, that it and its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; (b) Have not, within a three-year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract

under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, state, or local) terminated for cause or default. (2) The Applicant also certifies that, if it later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to FTA. (3) If the Applicant is unable to certify to the statements in paragraphs (1) and (2) above, it shall indicate so on its Signature Page and provide a written explanation to FTA.

The Applicant understands that this certification is a material representation of fact upon which reliance is placed and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

29. As required by FTA regulations "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR 655, the Applicant certifies that it has established and implemented an alcohol misuse prevention program as well as an anti-drug program. Applicant also certifies that they have conducted employee training complying with the requirements of 49 CFR part 655.

30. As required by FTA regulations "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," at 49 CFR 40, the Applicant certifies they will comply with alcohol and drug testing procedures as stated in 49 CFR part 40.

31. Unless otherwise noted, each of the Applicant's projects qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," at 23 CFR 771.117(c).

32. The Applicant will give FTA, the Comptroller General of the United States and the Montana Department of Transportation, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Signed by \_\_\_\_\_

Organization Name \_\_\_\_\_

Date \_\_\_\_\_

## **XXI. Nondiscrimination Assurance**

The Applicant, for itself, its assignees and successors in interest (hereinafter referred to as the "Applicant"), agrees as follows:

### **A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**

(1) **Compliance with Regulations:** The Applicant shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this application.

(2) **Nondiscrimination:** The Applicant, with regard to the work performed by it during the contract, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Applicant shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.

(3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, whether by competitive bidding or negotiation by the Applicant for work to be performed under a subcontract, including procurements of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Applicant of the Applicant's obligations under its contract and the Regulations relative to nondiscrimination.

**Information and Reports:** The Applicant will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Department or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of a Applicant is in the exclusive possession of another who fails or refuses to furnish this information, the Applicant shall so certify to the Department or the FTA as requested, setting forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the Applicant's noncompliance with the nondiscrimination provisions of the contract, Department may impose sanctions as it or the FTA determines appropriate, including, but not limited to,

(a) withholding payments to the Applicant under the contract until the Applicant complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** Applicant will include the provisions of paragraphs

(1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. Applicant will take such action with respect to any subcontract or procurement as the Department or the FTA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event Applicant is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Applicant may request the Department to enter into the litigation to protect the interests of the State, and, in addition, the Applicant or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Applicant agrees that for this contract all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the contract.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

(1) Applicant will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.

(2) Applicant will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "Contractor will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Contractor. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Contractor."

(3) All video recordings produced and created under contract and/or agreement will be closed captioned.

Signed by \_\_\_\_\_

Organization Name \_\_\_\_\_

Date \_\_\_\_\_

**LABOR WARRANTY**  
**SECTION 13(c)**

The Applicant hereby certifies that the terms and conditions of the Warranty still apply for the protection of the transportation-related employees of any employer providing transportation services assisted by the project and the transportation-related employers of any other surface public transportation provider in the transportation service area of this project as defined in 49 U.S.C. 5333(b).

Signed by \_\_\_\_\_

Organization Name \_\_\_\_\_

Date \_\_\_\_\_



**XXII. Application Public Notice**

Please attach an Affidavit of Publication and a copy of the public notice.

### **XXIII. TRANSPORTATION ADVISORY COMMITTEE (TAC)**

Each transportation service area must have a local Transportation Advisory Committee (TAC). There should be only **one** TAC per service area. This committee, consisting of local transportation providers and interested community residents, serves as the local planning group who reviews and discusses transportation needs and resources for their local areas. The TAC is not a governing body, but rather an advisory group or forum to assist all local transportation providers.

Persons serving on the TAC should include representatives from the following:

- General Public Transportation Provider
- Development Disabilities Organizations
- Senior Citizens Centers, Nutrition Sites
- Hospitals, Nursing Homes, Retirement Facilities
- Mental Health Centers
- Local Elected Public Officials
- Other interested Citizens

Each TAC should elect a chairperson who will be responsible for calling meetings and keeping the minutes. **The State of Montana recommends that the TAC meet on a quarterly schedule.**

If your agency is applying for capital assistance you must notify the TAC that your agency is applying for federal funding and offer the TAC the opportunity to review your agency's application. If there are two or more organizations in a service area applying for capital assistance, the TAC should review all applications and prioritize all requests in a written cover letter to the Montana Department of Transportation, Transit Section.